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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,344	04/15/2004	Edward B. Rinker	482.146A	8630
27019	7590	12/10/2007		
THE CLOROX COMPANY P.O. BOX 24305 OAKLAND, CA 94623-1305			EXAMINER AKRAM, IMRAN	
			ART UNIT 1795	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,344

Applicant(s)

RINKER ET AL.

Examiner

Imran Akram

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 22-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 10/31/07 is acknowledged.
2. Claims 22-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected apparatus and method claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/31/07.

Response to Arguments

1. Applicant's arguments filed 10/31/07 have been fully considered but they are not persuasive. It should be noted that entirety of applicant's arguments are based upon the claims as amended.
2. It is also important to note that applicant amends claims 1, 15, and 18 to include a spaced apart enhancement module and filter and the enhancement module being capable of dispensing enhancement into a stream of water. While examiner agrees that the original specification supports such claim language, it does not indicate the definition of a stream explicitly. Given the physical arrangement of the invention, any pressure applied to the system to effect a stream will incite a stream in both the filter and the enhancement components. Therefore, there is neither an obvious nor an explicitly mentioned advantage to spacing apart the filter and enhancement module.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-7, 9, and 15-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Nohren (US 6,569,329 B1).

3. Regarding claims 1 and 15, Nohren discloses a system for enhancing water, comprising: a housing **33** having an inlet **37** and an outlet **2**; source water capable of being in fluid communication with the inlet; a filter component **34** within the housing, the filter component containing water treatment material, and the filter component capable of having fluid communication with the inlet; a fluid path **38** within the water treatment material wherein the source water can flow along the fluid path and be treated by the water treatment material, thereby converting the source water to treated water, the treated water capable of being in fluid communication with the outlet and a first enhancement module **36** disposed at the outlet such that the first enhancement module is downstream and spaced apart from the filter (see figure 8), and said first enhancement module is capable of dispensing a first enhancement into a stream of treated water. Water flow in the system is driven solely by a force selected from the group consisting of gravity, a hand pump, and combination thereof. The bottle can be turned upside and/or squeezed for a stream of water.

4. Regarding claim 2, Nohren discloses the filter using a faucet (see figure 18).
5. Regarding claim 3, Nohren discloses the use of the filter for water bottles (see abstract).
6. Regarding claim 4, Nohren discloses the use of activated carbon for the water treatment device (column 4, lines 20-24).
7. Regarding claims 5 and 16, Nohren discloses a valve **41** preventing enhanced water from flowing from the outlet toward the filter component.
8. Regarding claims 6 and 17, Nohren discloses a mixing chamber **42**.
9. Regarding claim 7, Nohren discloses a "helix" **43** is used as an agitation tool to improve mixing.
10. Regarding claim 9, Nohren discloses the use of flavoring, vitamin, mineral or medication as additives (column 6, lines 38-42).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 1, 11, 13, 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sizelove (US 2003/0042201 A1) in view of Nohren (US 6,569,329 B1).

15. Regarding claims 1, 13, 14, 18, and 19, Sizelove discloses a system for enhancing water, comprising: a housing **105** having an inlet **125** and an outlet **37**; source water **15** capable of being in fluid communication with the inlet; a filter component within the housing, the filter component containing water treatment material **100**, and the filter component capable of having fluid communication with the inlet; a fluid path within the water treatment material wherein the source water can flow along the fluid path and be treated by the water treatment material, thereby converting the source water to treated water, the treated water capable of being in fluid communication

with the outlet (paragraph 8); and a first enhancement module adjacent the outlet and capable of dispensing a first enhancement into the outlet, thereby converting the treated water to enhanced water as the treated water stream flows through the outlet (paragraph 10). Water flow in the system is driven solely by a force selected from the group consisting of gravity, pressure from a source water line, and combination thereof: the water supply **15** provides pressure through the system in addition to gravity's influence. Sizelove discloses pressures of less than 100 psi throughout the system (paragraph 55).

16. Sizelove does not disclose the filter and enhancement modules being spaced apart from one another. Nohren, however, discloses a space between the filter and enhancement modules (see figure 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to space apart the modules for there to be a collection gap between them. Applicant does not disclose advantages to such an embodiment when a stream of water is flowing through the system, and it is so assumed a matter of choice. Nohren discloses this feature, Sizelove is capable of containing this feature, and the combination of the known elements would have yielded predictable results.

17. Regarding claim 11, Sizelove discloses one or more enhancement modules (paragraph 24).

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nohren as applied to claim 1 above, and further in view of Kagan (US 5,922,378).

19. Nohren does not disclose the use of consumer controls. Kagan, however, discloses the enhancement modules adding vitamins and minerals through consumer control (column 3, lines 18-32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the enhancement controls of Kagan in the system of Nohren as control of enhancement is a known and desirable feature. The claimed elements were known and without changing their respective functions, the combination would have yielded predictable results to one of ordinary skill in the art.

20. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nohren as applied to claim 7 above, and further in view of Corder (US 4,172,796).

21. Nohren discloses mixing means, but not a baffle. Corder discloses a baffle (column 5, lines 50-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a baffle in Nohren to cause more thorough mixing in the mixer chambers of the treated water and enhanced water. A homogeneous mixture is attempted in Nohren with a "helix" mixer and baffles, rotors, screws, and augers are all well known mechanisms for mixing.

22. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sizelove and Nehran as applied to claim 11 above, and further in view of Kagan.

23. Sizelove disclose the use of more than one enhancement module, but not enhancement control. Kagan discloses enhancement control for an enhancement module (column 3, lines 18-32). It would have been obvious to one having ordinary skill

in the art at the time the invention was made to add this additive control to the second module as well to achieve the same result of controlled enhancement.

24. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nohren in view of Sizelove.

25. Regarding claims 18 and 19, Nohren discloses a system for enhancing water, comprising: a housing **33** having an inlet **37** and an outlet **2**; source water capable of being in fluid communication with the inlet; a filter component **34** within the housing, the filter component containing water treatment material, and the filter component capable of having fluid communication with the inlet; a fluid path **38** within the water treatment material wherein the source water can flow along the fluid path and be treated by the water treatment material, thereby converting the source water to treated water, the treated water capable of being in fluid communication with the outlet and a first enhancement module **36** disposed at the outlet such that the first enhancement module is downstream and spaced apart from the filter (see figure 8), and said first enhancement module is capable of dispensing a first enhancement into a stream of treated water. Water flow in the system is driven solely by a force selected from the group consisting of gravity, a hand pump, and combination thereof: The bottle can be turned upside and/or squeezed for a stream of water. Nohren does not disclose, however, the pressure being maintained at less than 100 psi. Sizelove discloses pressures of less than 100 psi throughout the system (paragraph 55). It would have been obvious to one having ordinary skill in the art at the time the invention was made

to use any reasonable pressure in the art. 100 psi is reasonable according to Sizelove for this art.

26. Regarding claim 20, Nohren discloses a valve **41** preventing enhanced water from flowing from the outlet toward the filter component.

27. Regarding claim 21, Nohren discloses a mixing chamber **42**.

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Imran Akram whose telephone number is 571-270-3241. The examiner can normally be reached on 9-5 Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IA


WALTER D. GRIFFIN
SUPERVISORY PATENT EXAMINER